

NORTH CAROLINA
COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

~~13-CVS-73~~

135 PG 5

RUTHERFORD ELECTRIC MEMBERSHIP
CORPORATION,

Petitioner,

v.

130 OF CHATHAM, LLC,

Respondent.

AMENDED PETITION



Pursuant to Chapter 40A of the North Carolina General Statutes, Petitioner Rutherford Electric Membership Corporation ("REMC") hereby petitions to condemn certain real property owned by the Respondent. In support of this Amended Petition, REMC alleges the following:

1. REMC is an electric membership corporation duly incorporated, organized, and existing under the laws of the State of North Carolina. REMC is authorized to conduct and carry on, and in good faith conducts and carries on, the public business authorized by its charter. That public business includes supplying electricity to the general public within REMC's service area, which includes portions of both Rutherford County and McDowell County in North Carolina. REMC's business includes acquiring electricity, transmitting electricity to and within its service area, selling and distributing electricity, building and developing electrical infrastructure inside and outside of its service area, and acquiring land and other property needed to build and develop that electrical infrastructure.

2. REMC has the power and right to develop, maintain, and operate any and all kinds of plants, works, equipment, structures, and systems, including electric power lines and substations, for the transmission and distribution of electricity and for any other purposes

substations, for the transmission and distribution of electricity and for any other purposes allowed by law. REMC has the power and right to acquire, hold, maintain, and develop real and personal property for the conduct of its business, and its power and right to acquire property include the power and right to acquire property by eminent domain.

3. REMC intends to construct across land owned by Respondent 130 of Chatham, LLC ("130 of Chatham") one or more electrical power lines and related structures and equipment (collectively, the "transmission line") that will be used to transmit and distribute electricity and that will be part of the electrical system that REMC uses in its business. The planned transmission line is needed in order for REMC to supply power to an electrical substation that REMC owns and operates in McDowell County. That substation is used by REMC to supply power to approximately 1,900 homes, businesses, and other members in REMC's service area. If an adequate power supply cannot be provided to that substation, adequate power cannot be supplied to all of the homes, businesses, and other members served by that substation.

4. As a result, the rights, privileges, and easements sought by REMC in this action are required in order for REMC to conduct and carry on its public business and to protect and promote the public interest and the public benefit. After REMC acquires the rights, privileges, and easements sought in this action, REMC will use them in good faith to continue conducting and carrying on the public business authorized by its charter.

5. 130 of Chatham owns the real property ("Property") with respect to which REMC is seeking the rights, privileges, and easements sought in this Amended Petition. The Property is shown as the shaded area on the attached Exhibit A, and it is described in Part I of the attached Exhibit B. Both Exhibit A and Exhibit B are incorporated into this Amended Petition by reference.

6. To properly conduct and carry on its public business, REMC must acquire certain perpetual rights, privileges, and easements with respect to a "Right of Way Strip" across the Property and with respect to "Easement Areas # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23" across the Property. The "Right of Way Strip" and "Easement Areas # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23" are described in Part II of the attached Exhibit B and are shown on the attached Exhibit B-1, which is incorporated into this Amended Petition by reference.

7. The rights, privileges, and easements being acquired by REMC in this action are described in the attached Exhibit D, which is incorporated into this Amended Petition by reference.

8. Upon information and belief, 130 of Chatham is a limited liability company organized and existing under the laws of the State North Carolina and has its principal place of business in Wake County, North Carolina. Also upon information and belief, and as shown on the attached Exhibit C that is incorporated into this Amended Petition by reference, other than 130 of Chatham, no other person or entity owns, or claims to own, any portion of the Property.

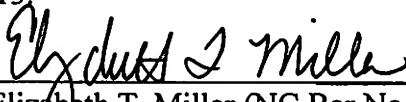
9. Upon information and belief, a description of all liens and encumbrances on the Property is provided in Exhibit C. Also upon information and belief, the persons named in Exhibit C are under no legal disability except as may be stated in Exhibit C.

10. 130 of Chatham will be permitted to remove within a reasonable time all of any buildings, structures, permanent improvements, or fixtures situated on or affixed to the Right of Way Strip. 130 of Chatham will not be permitted to remove any buildings, structures, permanent improvements, or fixtures situated on or affixed to Easement Areas # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, or 23.

WHEREFORE, REMC respectfully prays:

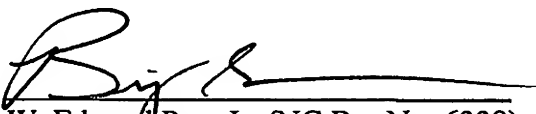
1. That pursuant to Chapter 40A of the North Carolina General Statutes, the Court appoint three competent and disinterested commissioners to appraise the just compensation owed to 130 of Chatham and that the Court fix the time and place of the commissioners' first meeting;
2. That the Court award REMC all of the rights, privileges, and easements sought in this action; and
3. That the Court award REMC such other and further relief as the Court finds just and proper.

Respectfully submitted on February 15, 2013


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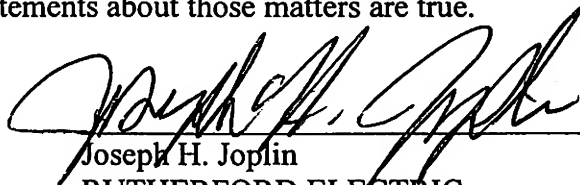
VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF RUTHERFORD

Joseph H. Joplin, being duly sworn, deposes and says:

That he is General Manager for RUTHERFORD ELECTRIC MEMBERSHIP CORPORATION; that he has read this Amended Petition and knows the contents of it; and that he knows that the Amended Petition's contents are true except for matters stated upon information and belief, and he believes the statements about those matters are true.



Joseph H. Joplin
RUTHERFORD ELECTRIC
MEMBERSHIP CORPORATION

SWORN to and subscribed before me
this 15th day of February, 2013.



Notary Public

My Commission Expires: 7-5-2015

NORTH CAROLINA
COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

~~13-CVS-73~~

135P95

RUTHERFORD ELECTRIC MEMBERSHIP
CORPORATION,

Petitioner,

v.

130 OF CHATHAM, LLC,

Respondent.

**EXHIBIT A TO
THE AMENDED PETITION**

NORTH CAROLINA
COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

~~13-CVS-73~~

135 PG 5

RUTHERFORD ELECTRIC MEMBERSHIP CORPORATION,

Petitioner,

v.

130 OF CHATHAM, LLC,

Respondent.

EXHIBIT B TO
THE AMENDED PETITION

EXHIBIT B

PART I DESCRIPTION OF THE PROPERTY

The Property consists of approximately 5306 acres located approximately 11 miles north of the town of Rutherfordton, and it is generally bounded by lands owned by Box Creek Limited Partnership to the south and by Copperleaf Preserve, LLC to the north, as shown on a survey titled Transmission Line Right of Way Survey for REMC Across the Property of 130 of Chatham, LLC, dated May 25, 2012, prepared by Lattimore & Peeler Surveying. The Property consists of the parcels that are identified and described by the following deeds and tax parcel identification numbers:

Deeds in the Rutherford County Register of Deeds Office:

Deed Book 1033, Page 285
Deed Book 1033, Page 387
Deed Book 1037, Page 656
Deed Book 1047, Page 47
Deed Book 1047, Page 330
Deed Book 1047, Page 333
Deed Book 1055, Page 86

Rutherford County Tax Parcel Identification Numbers:

116689, 1646335, 116697, 1646342, 1646341, 1646339, 1646336, 1646340, 1646338, 1646337, 1637622, 1637630, 119864, 1637707

Deeds in the McDowell County Register of Deeds Office:

Deed Book 1058, Page 939
Deed Book 1058, Page 943
Deed Book 1064, Page 205
Deed Book 1076, Page 815
Deed Book 1077, Page 647
Deed Book 1088, Page 631

McDowell County Tax Parcel Identification Numbers:

162600334661, 163600350031, 163600336706

PART II**DESCRIPTION OF THE RIGHT OF WAY STRIP AND OF
EASEMENT AREAS # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17,
18, 19, 20, 21, 22, and 23****THE RIGHT OF WAY STRIP**

The right-of-way herein granted shall be 100 feet in width, the centerline of which is described as follows: Beginning at an unmonumented point on the 130 of Chatham, LLC and Box Creek LTD Partnership old line, said unmonumented point being designated as Point "A" on Map 2/6 of said survey, said Point "A" having grid coordinates of North=655120.9910' and East=1121341.0078', said beginning point also being located the following two calls from a 2" pipe found @ stone: South 50 degrees 24 minutes 37 seconds East 615.90 feet and South 38 degrees 32 minutes 11 seconds East 123.90 feet, said 2" pipe @ stone being the 130 of Chatham, LLC and Box Creek LTD Partnership old corner in the RH Barnes Heirs (Deed Book 171 Page 261, Rutherford County Public Registry) old line; and runs thence from said beginning point crossing the 130 of Chatham, LLC lands North 74 degrees 54 minutes 22 seconds East 915.56 feet to Point "B" on Map 2/6 of said survey, said Point "B" having grid coordinates of North=655359.3659' and East=1122224.8333', thence North 30 degrees 32 minutes 46 seconds East 930.03 feet to Point "C" on Map 2/6 of said survey, said Point "C" having grid coordinates of North=656160.1929' and East=1122697.4253', thence North 13 degrees 43 minutes 36 seconds West 480.32 feet to Point "D" on Map 2/6 of said survey, said Point "D" having grid coordinates of North=656626.7177' and East=1122583.4686', thence North 35 degrees 20 minutes 17 seconds West 750.78 feet to Point "E" on Map 2/6 of said survey, said Point "E" having grid coordinates of North=657239.0632' and East=1122149.2950', thence North 08 degrees 32 minutes 46 seconds East 2748.72 feet to Point "F" on Map 3/6 of said survey, said Point "F" having grid coordinates of North=659956.8054' and East=1122557.7049', thence North 55 degrees 39 minutes 43 seconds West 1486.31 feet to Point "G" on Map 4/6 of said survey, said Point "G" having grid coordinates of North=660795.0528' and East=1121330.6329', thence North 22 degrees 40 minutes 23 seconds East 3794.01 feet to Point "H" on Map 5/6 of said survey, said Point "H" having grid coordinates of North=664295.2676' and East=1122792.8780', thence North 34 degrees 02 minutes 29 seconds East 1779.99 feet to Point "I" on Map 6/6 of said survey, said Point "I" having grid coordinates of North=665769.9714' and East=1123789.1343', thence North 76 degrees 31 minutes 45 seconds East 225.06 feet to an unmonumented point, thence North 76 degrees 31 minutes 45 seconds East 17.95 feet to an unmonumented point on the 130 of Chatham, LLC and the Copperleaf Preserve, LLC old line, said unmonumented point being designated as Point "J" on Map 6 of 6 of said survey, said Point "J" having grid coordinates of North=665826.5677' and East=1124025.4089', said unmonumented point also being located North 85 degrees 15 minutes 03 seconds West 3296.95 feet from a 1.5" pipe, said pipe being the 130 of Chatham, LLC and Leo D. Brevard (Deed Book 795 Page 498, McDowell County Public Registry) old corner in the Dinah Brevard Mann (Deed Book 608 Page 960, McDowell County Public Registry) old line. The right-of-way herein described embraces an area within 50 feet of the centerline herein described as it extends to and from adjoining property containing 30.14 acres, more or less.

Easement Area #1

The right-of-way herein granted shall be 45 feet in width, the centerline of which is described as follows: Beginning at an unmonumented point on the 130 of Chatham, LLC and Box Creek LTD Partnership old line, said unmonumented point being located from the above referenced Point "A" the following two calls: North 38 degrees 32 minutes 11 seconds West 123.90 feet and North 50 degrees 24 minutes 37 seconds West 388.38 feet, said unmonumented point also being located South 50 degrees 24 minutes 37 seconds East 227.51 feet from a 2" pipe found @ stone, said 2" pipe found @ stone being the 130 of Chatham, LLC and Box Creek LTD Partnership old corner in the RH Barnes Heirs old line, and runs thence from said beginning point with the center of an existing woods road the following twenty two calls:

North 39 degrees 20 minutes 36 seconds East 12.69 feet,
North 07 degrees 50 minutes 40 seconds East 51.65 feet,
North 23 degrees 57 minutes 48 seconds East 50.17 feet,
North 44 degrees 05 minutes 25 seconds East 45.17 feet,
North 57 degrees 19 minutes 26 seconds East 52.56 feet,
North 72 degrees 59 minutes 32 seconds East 74.01 feet,
North 86 degrees 14 minutes 08 seconds East 29.86 feet,
South 60 degrees 11 minutes 54 seconds East 36.65 feet,
South 40 degrees 27 minutes 21 seconds East 32.84 feet,
South 40 degrees 33 minutes 18 seconds East 57.78 feet,
South 35 degrees 23 minutes 22 seconds East 94.74 feet,
South 39 degrees 40 minutes 25 seconds East 70.62 feet,
South 32 degrees 47 minutes 41 seconds East 67.98 feet,
South 56 degrees 22 minutes 17 seconds East 19.87 feet,
South 54 degrees 21 minutes 55 seconds East 25.79 feet,
South 87 degrees 51 minutes 45 seconds East 43.55 feet,
South 84 degrees 35 minutes 01 seconds East 60.85 feet,
South 84 degrees 47 minutes 02 seconds East 52.82 feet,
South 81 degrees 05 minutes 32 seconds East 49.85 feet,
South 60 degrees 30 minutes 01 seconds East 44.64 feet,
South 71 degrees 10 minutes 47 seconds East 56.42 feet,
South 81 degrees 31 minutes 29 seconds East 35.03 feet to an unmonumented point on the northern edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located North 68 degrees 43 minutes 45 seconds East 464.68 feet from the above referenced Point "A." The right-of-way herein described embraces an area within 22.5 feet of the centerline herein described as it extends from the adjoining property to the edge of the above-described Transmission Line Right-of-Way Easement containing 1.10 acres, more or less.

Easement Area #2

Beginning at an unmonumented point, said unmonumented point being located North 37 degrees 15 minutes 59 seconds West 53.99 feet from the above referenced Point "B," and runs thence from said beginning point the following three calls through the property of 130 of Chatham, LLC:

North 20 degrees 28 minutes 33 seconds East 208.26 feet,

North 31 degrees 25 minutes 16 seconds East 160.66 feet,
North 43 degrees 28 minutes 22 seconds East 151.79 feet to a point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above described Transmission Line Right-of-Way Easement South 30 degrees 32 minutes 46 seconds West 513.64 feet to the point and place of beginning containing 0.27 acres, more or less, adjoining the western edge of the above-described Transmission Line Right-of-Way Easement between Point "B" and Point "C."

Easement Area #3

Beginning at an unmonumented point, said unmonumented point being located South 47 degrees 53 minutes 43 seconds East 89.03 feet from the above referenced Point "D," and runs thence from said beginning point the following seven calls through the property of 130 of Chatham, LLC:

South 89 degrees 26 minutes 48 seconds East 70.41 feet,
South 00 degrees 00 minutes 00 seconds East 97.88 feet,
South 32 degrees 46 minutes 51 seconds East 91.69 feet,
South 22 degrees 49 minutes 38 seconds East 73.68 feet,
South 07 degrees 22 minutes 45 seconds East 111.14 feet,
South 12 degrees 35 minutes 29 seconds West 129.88 feet,
North 76 degrees 47 minutes 07 seconds West 65.01 feet to a point on the eastern edge of the above-described Transmission Right-of-Way Easement, thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement the following two calls: North 30 degrees 32 minutes 46 seconds East 59.06' and North 13 degrees 43 minutes 36 seconds West 427.00 feet to the point and place of beginning containing 0.745 acres, more or less, adjoining the eastern edge of the above described Transmission Line Right-of-Way Easement between Point "B" and Point "D."

Easement Area #4

Beginning at an unmonumented point, said unmonumented point being located North 76 degrees 36 minutes 15 seconds East 53.90 feet from the above referenced Point "E," and runs thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement North 08 degrees 32 minutes 46 seconds East 46.00 feet to a point on the eastern edge of the above-described Transmission Line Right-of-Way Easement, thence the following two calls through the property of 130 of Chatham, LLC: South 31 degrees 46 minutes 22 seconds East 70.51 feet and South 19 degrees 09 minutes 29 seconds East 98.70 feet to a point on the eastern edge of the above-described Transmission Line Right-of-Way Easement, thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement North 35 degrees 20 minutes 17 seconds West 132.01 feet to the point and place of beginning containing 0.07 acres, more or less, adjoining the eastern edge of the above described Transmission Line Right-of-Way Easement between Point "D" and Point "F."

Easement Area #5

Beginning at an unmonumented point, said unmonumented point being located North 21 degrees 36 minutes 15 seconds West 99.55 feet from the above referenced Point "E," and runs thence the following six calls through the property of 130 of Chatham, LLC:

North 57 degrees 00 minutes 40 seconds West 32.20 feet,
with a curve turning to the right with an arc length of 93.85 feet, with a radius of 60.00 feet, with a chord bearing of North 12 degrees 11 minutes 59 seconds West, with a chord length of 84.57 feet,

North 32 degrees 36 minutes 41 seconds East 78.81 feet,

North 48 degrees 00 minutes 52 seconds West 78.01 feet,

thence with a curve turning to the right with an arc length of 228.75 feet, with a radius of 86.00 feet, with a chord bearing of North 28 degrees 17 minutes 18 seconds East, with a chord length of 167.03 feet,

South 75 degrees 30 minutes 44 seconds East 36.00 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 360.85 feet to the point and place of beginning containing 0.66 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement between Point "E" and Point "F."

Easement Area #6

Beginning at an unmonumented point, said unmonumented point being located North 03 degrees 37 minutes 10 seconds East 582.20 feet from the above referenced Point "E," and runs thence the following three calls through the property of 130 of Chatham, LLC:

North 60 degrees 14 minutes 54 seconds West 33.13 feet,

with a curve turning to the right with an arc length of 95.22 feet, with a radius of 48.00 feet with a chord bearing of North 03 degrees 25 minutes 05 seconds West, with a chord length of 80.36 feet,

North 53 degrees 24 minutes 44 seconds East 67.40 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 138.37 feet to the point and place of beginning containing 0.13 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement between Point "E" and Point "F."

Easement Area #7

Beginning at an unmonumented point, said unmonumented point being located North 12 degrees 19 minutes 45 seconds East 757.84 feet from the above referenced Point "E," and runs thence the following three calls through the property of 130 of Chatham, LLC:

North 48 degrees 35 minutes 18 seconds East 34.71 feet,

with a curve turning to the left with an arc length of 110.05 feet, with a radius of 110.00 feet with a chord bearing of North 19 degrees 55 minutes 37 seconds East, with a chord length of 105.52 feet,

North 08 degrees 44 minutes 04 seconds West 145.28 feet to an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 268.74 minutes to the point and place of beginning containing 0.17 acres, more or less, adjoining the eastern edge of the above described Transmission Line Right-of-Way Easement between Point "E" and Point "F."

Easement Area #8

Beginning at an unmonumented point, said unmonumented point being located North 05 degrees 52 minutes 03 seconds East 1069.87 feet from the above referenced Point "E," and runs thence the following three calls through the property of 130 of Chatham, LLC:

North 66 degrees 02 minutes 37 seconds West 54.45 feet,

with a curve turning to the right with an arc length of 74.46 feet, with a radius of 35.00 feet with a chord bearing of North 05 degrees 05 minutes 37 seconds West, with a chord length of 61.19 feet,

North 55 degrees 51 minutes 22 seconds East 91.05 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 135.67 feet to the point and place of beginning containing 0.16 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement between Point "E" and Point "F."

Easement Area #9

Beginning at an unmonumented point, said unmonumented point being located North 10 degrees 50 minutes 23 seconds East 1249.40 feet from the above referenced Point "E," and runs thence the following three calls through the property of 130 of Chatham, LLC:

North 48 degrees 17 minutes 03 seconds East 96.52 feet,

with a curve turning to the left with an arc length of 122.63 feet, with a radius of 65.00 feet with a chord bearing of North 05 degrees 45 minutes 53 seconds West, with a chord length of 105.24 feet,

North 59 degrees 48 minutes 48 seconds West 38.39 feet to an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 190.35 feet to the point and place of beginning containing 0.22 acres, more or less, adjoining the eastern edge of the above described Transmission Line Right-of-Way Easement between Point "E" and Point "F."

Easement Area #10

Beginning at an unmonumented point, said unmonumented point being located North 06 degrees 30 minutes 51 seconds East 1410.02 feet from the above referenced Point "E," and runs thence the following thirteen calls through the property of 130 of Chatham, LLC:

North 72 degrees 16 minutes 43 seconds West 56.96 feet,

North 46 degrees 00 minutes 30 seconds West 145.34 feet,

with a curve turning to the right with an arc length of 113.56 feet, with a radius of 48.00 feet with a chord bearing of North 21 degrees 45 minutes 54 seconds East, with a chord length of 88.87 feet,

North 89 degrees 32 minutes 18 seconds East 81.49 feet,

with a curve turning to the left with an arc length of 210.25 feet, with a radius of 75.00 feet with a chord bearing of North 09 degrees 13 minutes 50 seconds East, with a chord length of 147.86 feet,

North 71 degrees 04 minutes 39 seconds West 81.12 feet,

with a curve turning to the right with an arc length of 91.32 feet, with a radius of 40.00 feet with a chord bearing of North 05 degrees 40 minutes 40 seconds West, with a chord length of 72.74 feet,

North 59 degrees 43 minutes 19 seconds East 92.11 feet,

North 21 degrees 03 minutes 41 seconds East 209.56 feet,

North 56 degrees 33 minutes 17 seconds West 101.07 feet,

with a curve turning to the right with an arc length of 196.14 feet, with a radius of 81.00 feet with a chord bearing of North 12 degrees 48 minutes 51 seconds East, with a chord length of 151.61 feet,

North 82 degrees 11 minutes 00 seconds East 103.37 feet,

South 60 degrees 30 minutes 04 seconds East 36.16 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 897.87 feet to the point and place of beginning containing 2.34 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement between Point "E" and Point "F."

Easement Area #11

Beginning at an unmonumented point, said unmonumented point being located the following two calls from the above referenced Point "F": South 66 degrees 26 minutes 32 seconds West 59.03 feet and South 08 degrees 32 minutes 46 seconds West 232.90 feet, and runs thence from said beginning point the following ten calls through the property of 130 of Chatham, LLC:

with a curve turning to the right with an arc length of 115.55 feet, with a radius of 63.64 feet with a chord bearing of North 12 degrees 08 minutes 46 seconds West, with a chord length of 100.32 feet,

North 39 degrees 52 minutes 05 seconds East 40.95 feet,

North 19 degrees 28 minutes 17 seconds West 149.60 feet,

North 73 degrees 54 minutes 41 seconds West 46.00 feet,

with a curve turning to the left with an arc length of 20.76 feet, with a radius of 30.00 feet with a chord bearing of South 86 degrees 16 minutes 07 seconds West, with a chord length of 20.34 feet,

with a curve turning to the right with an arc length of 90.25 feet, with a radius of 72.70 feet with a chord bearing of North 77 degrees 59 minutes 13 seconds West, with a chord length of 84.56 feet,

North 42 degrees 25 minutes 27 seconds West 216.50 feet,

South 59 degrees 24 minutes 41 seconds West 28.84 feet,

North 49 degrees 35 minutes 30 seconds West 47.00 feet,

North 24 degrees 19 minutes 15 seconds West 81.09 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 55 degrees 39 minutes 43 seconds East 565.09 feet, thence South 08 degrees 32 minutes 46 seconds West 232.90 feet to the point and place of beginning containing 0.69 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement near Point "F."

Easement Area #12

Beginning at an unmonumented point, said unmonumented point being located North 66 degrees 26 minutes 32 seconds East 59.03 feet from the above described Point "F," and runs thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 08 degrees 32 minutes 46 seconds West 108.91 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, and runs thence the following two calls through the property of 130 of Chatham, LLC: with a curve turning to the left with an arc length of 183.87 feet, with a radius of 80.94 feet with a chord bearing of North 32 degrees 17 minutes 47 seconds East, with a chord length of 146.81 feet and with a curve turning to the left with an arc length of 172.20 feet, with a radius of 120.85 feet with a chord bearing of North 73 degrees 35 minutes 57 seconds West, with a chord length of 158.00 feet, to an unmonumented point on the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edged of the above-described Transmission Line Right-of-Way Easement South 55 degrees 39 minutes 43 seconds East 108.16 feet to the point and place of beginning containing 0.32 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement near Point "F."

Easement Area #13

There is no Easement Area #13, and the omission of any reference to an Easement Area #13 is intentional.

Easement Area #14

Beginning at an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located the following three calls from the above referenced Point "G":

South 73 degrees 30 minutes 20 seconds West 64.49 feet,

South 55 degrees 39 minutes 43 seconds East 211.68 feet,

and South 55 degrees 39 minutes 43 seconds East 230.38 feet,

and runs thence from said beginning point the following five calls through the property of 130 of Chatham, LLC:

South 57 degrees 10 minutes 01 seconds West 152.31 feet,

North 88 degrees 14 minutes 23 seconds West 119.46 feet,

North 62 degrees 06 minutes 00 seconds West 56.58 feet,

North 15 degrees 38 minutes 07 seconds East 88.52 feet,

and North 40 degrees 36 minutes 40 seconds East 127.96 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the

western edge of the above-described Transmission Line Right-of-Way Easement South 55 degrees 39 minutes 43 seconds East 230.38 feet to the point and place of beginning containing 0.85 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement near Point "G."

Easement Area #15

Beginning at an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located North 73 degrees 30 minutes 20 seconds East 64.49 feet from the above described Point "G," and runs thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement South 55 degrees 39 minutes 43 seconds East 204.79 feet to an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, and runs thence through the property of 130 of Chatham, LLC with a curve turning to the left with an arc length of 259.26 feet, with a radius of 138.74 feet with a chord bearing of North 41 degrees 19 minutes 29 seconds West, with a chord length of 223.15 feet to an unmonumented point on the eastern edge of the above-described Transmission Line Right-of-Way Easement, thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement South 22 degrees 40 minutes 23 seconds West 56.42 feet to the point and place of beginning containing 0.33 acres, more or less, adjoining the eastern edge of the above described Transmission Line Right-of-Way Easement near Point "G."

Easement Area #16

Beginning at an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located the following two calls from the above referenced Point "G":

South 73 degrees 30 minutes 20 seconds West 64.49 feet,

North 22 degrees 40 minutes 23 seconds East 58.55 feet and runs thence from said beginning point the following three calls through the property of 130 of Chatham, LLC:

with a curve turning to the right with an arc length of 126.60 feet, with a radius of 61.79 feet with a chord bearing of North 32 degrees 30 minutes 14 seconds West, with a chord length of 105.59 feet,

North 26 degrees 11 minutes 28 seconds East 115.98 feet,

North 35 degrees 49 minutes 18 seconds East 349.76 feet, to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 22 degrees 40 minutes 23 seconds West 516.64 feet to the point and place of beginning containing 0.64 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement near Point "G."

Easement Area #17

Beginning at an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located South 21 degrees 34 minutes 40 seconds West 2615.64 feet from the above described Point "H," and runs thence the following eight calls through the property of 130 of Chatham, LLC:

North 38 degrees 12 minutes 46 seconds East 295.72 feet,
 North 42 degrees 27 minutes 26 seconds East 135.96 feet,
 with a curve turning to the left with an arc length of 128.72 feet, with a radius of 175.00 feet with
 a chord bearing of North 21 degrees 23 minutes 11 seconds East, with a chord length of 125.83
 feet,
 North 00 degrees 18 minutes 55 seconds East 91.90 feet,
 North 08 degrees 00 minutes 17 seconds East 275.97 feet,
 North 24 degrees 30 minutes 04 seconds East 169.96 feet,
 North 20 degrees 35 minutes 26 seconds East 193.10 feet,
 with a curve turning to the left with an arc length of 88.07 feet, with a radius of 300.00 feet with
 a chord bearing of North 12 degrees 10 minutes 51 seconds East, with a chord length of 87.75
 feet to an unmonumented point on the eastern edge of the above-described Transmission Line
 Right-of-Way Easement, thence with the eastern edge of the above-described Transmission Line
 Right-of-Way Easement South 22 degrees 40 minutes 23 seconds West 559.69 feet to an
 unmonumented point on the eastern edge of the above-described Transmission Line Right-of-
 Way Easement, and runs thence the following five calls through the property of 130 of Chatham,
 LLC:
 South 08 degrees 00 minutes 17 seconds West 176.49 feet,
 South 00 degrees 18 minutes 55 seconds West 94.92 feet,
 with a curve turning to the left with an arc length of 95.62 feet, with a radius of 130.00 feet with
 a chord bearing of South 21 degrees 23 minutes 11 seconds West, with a chord length of 93.48
 feet,
 South 42 degrees 27 minutes 26 seconds West 81.61 feet,
 and North 24 degrees 59 minutes 56 seconds West 74.77 feet to an unmonumented point on the
 eastern edge of the above-described Transmission Line Right-of-Way Easement, thence with the
 eastern edge of the above-described Transmission Line Right-of-Way Easement South 22
 degrees 40 minutes 23 seconds West 401.63 feet to the point and place of beginning containing
 1.16 acres, more or less, adjoining the eastern edge of the above described Transmission Line
 Right-of-Way Easement between Point "G" and Point "H."

Easement Area #18

Beginning at an unmonumented point in the western edge of the above-described Transmission
 Line Right-of-Way Easement, said unmonumented point being located South 25 degrees 05
 minutes 34 seconds West 1184.30 feet from the above referenced Point "H", and runs thence
 from said beginning point the following eleven calls through the property of 130 of Chatham,
 LLC:
 North 03 degrees 18 minutes 09 seconds West 218.57 feet,
 with a curve turning to the left with an arc length of 76.98 feet, with a radius of 377.50 feet with
 a chord bearing of North 09 degrees 08 minutes 41 seconds West, with a chord length of 76.85
 feet,
 North 14 degrees 59 minutes 13 seconds West 110.20 feet,
 with a curve turning to the right with an arc length of 32.75 feet, with a radius of 122.50 feet
 with a chord bearing of North 07 degrees 19 minutes 42 seconds West, with a chord length of
 32.65 feet,
 North 00 degrees 19 minutes 48 seconds East 154.67 feet,

with a curve turning to the right with an arc length of 101.18 feet, with a radius of 59.50 feet with a chord bearing of North 49 degrees 02 minutes 37 seconds East, with a chord length of 89.42 feet,

South 82 degrees 14 minutes 34 seconds East 72.24 feet,

with a curve turning to the left with an arc length of 27.88 feet, with a radius of 36.00 feet with a chord bearing of North 75 degrees 34 minutes 14 seconds East, with a chord length of 27.19 feet,

North 53 degrees 23 minutes 02 seconds East 102.85 feet,

with a curve turning to the right with an arc length of 43.76 feet, with a radius of 82.50 feet with a chord bearing of North 68 degrees 34 minutes 52 seconds East, with a chord length of 43.25 feet,

North 50 degrees 40 minutes 37 seconds East 136.09 feet to an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 22 degrees 40 minutes 23 seconds West 136.29 feet to an unmonumented point on the western edge of the above-described Transmission Line Right-of-Way Easement, and runs thence the following eleven calls through the property of 130 of Chatham, LLC:

South 83 degrees 46 minutes 41 seconds West 48.15 feet,

with a curve turning to the left with an arc length of 19.89 feet, with a radius of 37.50 feet with a chord bearing of South 68 degrees 34 minutes 52 seconds West, with a chord length of 19.66 feet,

South 53 degrees 23 minutes 02 seconds West 102.85 feet,

with a curve turning to the right with an arc length of 62.73 feet, with a radius of 81.00 feet with a chord bearing of South 75 degrees 34 minutes 14 seconds West, with a chord length of 61.18 feet,

North 82 degrees 14 minutes 34 seconds West 72.24 feet,

with a curve turning to the left with an arc length of 24.66 feet, with a radius of 14.50 feet with a chord bearing of South 49 degrees 02 minutes 37 seconds West, with a chord length of 21.79 feet,

South 00 degrees 19 minutes 48 seconds West 154.67 feet,

with a curve turning to the left with an arc length of 20.72 feet, with a radius of 77.50 feet with a chord bearing of South 07 degrees 19 minutes 42 seconds East, with a chord length of 20.66 feet,

South 14 degrees 59 minutes 13 seconds East 110.20 feet,

with a curve turning to the right with an arc length of 86.16 feet, with a radius of 422.50 feet with a chord bearing of South 09 degrees 08 minutes 41 seconds East, with a chord length of 86.01 feet,

North 72 degrees 24 minutes 20 seconds East 72.45 feet to an unmonumented point on the western edge of the above-described Transmission Line Easement, thence with the western edge of the above-described Transmission Line Right-of-Way Easement South 22 degrees 40 minutes 23 seconds West 263.03 feet to the point and place of beginning containing 1.12 acres, more or less, adjoining the western edge of the above described Transmission Line Right-of-Way Easement between Point "G" and Point "H."

Easement Area #19

Beginning at an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located the following four calls from the above referenced Point "H":

South 61 degrees 38 minutes 34 seconds East 50.25 feet,

South 22 degrees 40 minutes 23 seconds West 30.39 feet

South 22 degrees 40 minutes 23 seconds West 258.01 feet,

and South 22 degrees 40 minutes 23 seconds West 121.08 feet and runs thence the following two calls through the property of 130 of Chatham, LLC: South 69 degrees 44 minutes 38 seconds East 50.00 feet and South 33 degrees 52 minutes 52 seconds West 257.01 feet to an unmonumented point on the eastern edge of the above-described Transmission Right-of-Way Easement, and runs thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement North 22 degrees 40 minutes 23 seconds East 250.00 feet to the point and place of beginning containing 0.14 acres, more or less, adjoining the eastern edge of the above-described Transmission Line Right-of-Way Easement between Point "G" and Point "H."

Easement Area #20

Beginning at an unmonumented point in the eastern edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located the following three calls from the above referenced Point "H":

South 61 degrees 38 minutes 34 seconds East 50.25 feet,

South 22 degrees 40 minutes 23 seconds West 30.39 feet,

and South 22 degrees 40 minutes 23 seconds West 258.01 feet, and runs thence the following three calls through the property of 130 of Chatham, LLC:

and with a curve turning to the left with an arc length of 84.29 feet, with a radius of 219.32 feet with a chord bearing of North 32 degrees 36 minutes 35 seconds East, with a chord length of 83.77 feet,

North 21 degrees 35 minutes 34 seconds East 102.87 feet,

and North 12 degrees 53 minutes 53 seconds East 73.72 feet to an unmonumented point on the eastern edge of the above-described Transmission Right-of-Way Easement, and runs thence with the eastern edge of the above-described Transmission Line Right-of-Way Easement South 22 degrees 40 minutes 23 seconds West 258.01 feet to the point and place of beginning containing 0.06 acres, more or less, adjoining the eastern edge of the above-described Transmission Line Right-of-Way Easement between Point "G" and Point "H."

Easement Area #21

Beginning at an unmonumented point in the western edge of the above-described Transmission Line Right-of-Way Easement, said unmonumented point being located North 12 degrees 43 minutes 38 seconds East 137.56 feet from the above referenced Point "H", and runs thence from said beginning point the following six calls through the property of 130 of Chatham, LLC:

North 20 degrees 17 minutes 37 seconds East 145.72 feet,

with a curve turning to the right with an arc length of 53.07 feet, with a radius of 250.00 feet with a chord bearing of North 26 degrees 22 minutes 30 seconds East, with a chord length of 52.97 feet,

North 32 degrees 27 minutes 22 seconds East 23.48 feet,
North 31 degrees 41 minutes 04 seconds East 142.14 feet,
with a curve turning to the right with an arc length of 92.48 feet, with a radius of 370.00 feet
with a chord bearing of North 38 degrees 50 minutes 41 seconds East, with a chord length of
92.24 feet,
North 46 degrees 00 minutes 19 seconds East 195.23 feet to an unmonumented point in the
western edge of the above-described Transmission Line Right-of-Way Easement, thence with the
western edge of the above-described Transmission Line Right-of-Way Easement South 34
degrees 02 minutes 30 seconds West 642.44 feet to the point and place of beginning containing
0.46 acres, more or less, adjoining the western edge of the above described Transmission Line
Right-of-Way Easement between Point "H" and Point "I."

Easement Area #22

Beginning at an unmonumented point in the eastern edge of the above-described Transmission
Line Right-of-Way Easement, said unmonumented point being located North 37 degrees 32
minutes 29 seconds East 819.08 feet the above referenced Point "H," and runs thence the
following three calls through the property of 130 of Chatham, LLC:

North 48 degrees 42 minutes 05 seconds East 171.79 feet,
North 32 degrees 51 minutes 38 seconds East 221.32 feet,
and North 12 degrees 15 minutes 35 seconds East 104.87 feet to an unmonumented point on the
eastern edge of the above-described Transmission Right-of-Way Easement, and runs thence with
the eastern edge of the above-described Transmission Line Right-of-Way Easement South 34
degrees 02 minutes 30 seconds West 484.86 feet to the point and place of beginning containing
0.34 acres, more or less, adjoining the eastern edge of the above-described Transmission Line
Right-of-Way Easement between Point "H" and Point "I."

Easement Area #23

Beginning at an unmonumented point in the western edge of the above-described Transmission
Line Right-of-Way Easement, said unmonumented point being located North 34 degrees 42
minutes 21 seconds West 53.64 feet the above referenced Point "I," and runs thence with the
western edge of the above-described Transmission Line Right-of-Way Easement South 34
degrees 02 minutes 30 seconds West 126.41 feet to an unmonumented point on the edge of the
above-described Transmission Line Right-of-Way Easement, and runs thence crossing the 130 of
Chatham, LLC property North 02 degrees 20 minutes 24 seconds West 145.92 feet to an
unmonumented point on the 130 of Chatham, LLC and Copperleaf Preserve, LLC old line,
thence with said line South 85 degrees 15 minutes 03 seconds East 45.17 feet to an
unmonumented point on the 130 of Chatham, LLC and Copperleaf Preserve, LLC old line,
thence crossing the 130 of Chatham, LLC property South 40 degrees 21 minutes 06 seconds East
48.96 feet to the point and place of beginning containing 0.14 acres, more or less, adjoining the
western edge of the above-described Transmission Line Right-of-Way Easement near Point "I."

NORTH CAROLINA

COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

~~13-CVS-73~~

135P95

RUTHERFORD ELECTRIC MEMBERSHIP
CORPORATION,

Petitioner,

v.

130 OF CHATHAM, LLC,

Respondent.

**EXHIBIT B-1 TO
THE AMENDED PETITION**

recorded in McDowell County; and Plat Book 6, page 40 and Plat Book 6, Page 50, in McDowell County Registry.

Merger documents dated December 21, 2000, wherein Champion International paper merged with International Paper Company, recorded in Deed Book 771, page 820, Rutherford County and Book 13, page 762, McDowell County.

Boundary line agreement between Coleman Doggett and Champion International Paper dated April 25, 1977, and recorded in Rutherford County in Deed Book 385, page 21, and in McDowell County in Deed Book 264, page 902.

Deed from G. P. Seagle and wife, Louise F. Seagle to The Champion Paper and Fibre Company, dated August 30, 1951, and recorded August 30, 1951, in Deed Book 116, page 337, McDowell County, reserving mineral rights.

Deed from G. P. Seagle and wife, Louise F. Seagle to The Champion Paper and Fibre Company, dated August 30, 1951, and recorded September 1, 1951 in Deed Book 212, Page 516, Rutherford County, reserving mineral rights.

Deed from Eloise Bennett Briggs to Dr. Mark W. Bennett, Jr., Julia Byrde Bennett Noriris, James M. Ray, Gary C. Ray, Van W. Price and Patricia Carol Price Parsons dated May 1, 2000, and recorded June 16, 2000, in Rutherford County in Deed Book 755, page 480 and McDowell County in Deed Book 615, page 9118, purporting to convey mineral rights in Brackett Township, McDowell County and Camp Creek in Rutherford County.

Deed from N.C. Mountain Investments, LLC, to 130 of Chatham, LLC dated February 10, 2012, and recorded February 8, 2008, in Deed Book 1037, page 656, Rutherford County and Deed Book 1064, Page 205, McDowell County purporting to re-unite mineral rights to tract 1 and to not re-unite mineral rights to tract 2.

Right of Way Agreement between Champion International Corporation and Terry L. Isaacs, dated November 27, 1989, and recorded January 2, 1990, in Deed Book 405, page 850, McDowell County Register of Deeds.

Right of Way Agreement between Champion International Corporation and Troy Wade Nanney and wife, Virginia G. Nanney, dated September 19, 1908, and recorded November 7, 1980, in Deed Book 297, page 894, McDowell County.

Right of Way Agreement from Champion International Corporation to Department of Transportation, regarding SR 760, Brackett Town Road, recorded in Deed Book 518, page 675, McDowell County.

Right of way of Camp Creek Road to its full legal width.

Easement from Champion International Corporation to Rutherford County Watershed Commission, dated October 6, 1977, for an easement for temporary detention of water impounded, stored or drained, and for the maintenance and inspection of areas to be flooded by the floodwater retarding structure designed at site 22 in the plans for Second Broad River Watershed recorded in Rutherford County in Book 388, Page 56.

Easement from Champion International Corporation to Rutherford County Watershed Commission, dated December 15, 1978, and recorded January 11, 1979, in Deed Book 400, page 587, Rutherford County.

Right of Way Agreement between Champion Corporation and Department of Transportation, dated March 3, 2000, and recorded July 25, 2000, in Deed Book 758, page 93, Rutherford County Register of Deeds.

Matters shown on Plat entitled "Final Plat of Stonecliff" for Landstar Development, recorded February 26, 2008, in Rutherford County in Plat Book 29, page 47.

Boundary line agreement between Champion Paper and Fiber Company and Stonecutter Mills Corporation, dated December 9, 1949, and recorded in Deed Book 211, page 202 Rutherford County.

Certificate of completion of the Foreclosure Case File 10 SP 160, Rutherford County and Foreclosure Case File 10 SP 99, McDowell County of the Deed of Trust given by NC Mountain Investments, LLC, in favor of TRSTE, Inc. Trustee for Wachovia Bank, National Association recorded in Deed of Trust Book 978, page 630, Rutherford County, and Deed of Trust Book 936, page 430, McDowell County, consistent with North Carolina law, including recording a Notice of Foreclosure pursuant to N.C. General State Section 45-38.

Easement to the Rutherford County Watershed Commission recorded at Deed Book 388, Page 56 in the Rutherford County Register of Deeds.

NORTH CAROLINA

COUNTY OF RUTHERFORD

RUTHERFORD ELECTRIC MEMBERSHIP
CORPORATION,

Petitioner,

v.

130 OF CHATHAM, LLC,

Respondent.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

~~13-CVS-73~~

135P95

**EXHIBIT D TO
THE AMENDED PETITION**

EXHIBIT D

REMC shall have the following perpetual rights, privileges, and easements:

1. REMC shall have a perpetual right, privilege, and easement to go onto the Property in order to erect, construct, reconstruct, rephase, replace, alter, improve, upgrade, operate, repair, maintain, inspect, and use on, across, under, through, and over the Right of Way Strip one or more overhead and/or underground electric transmission and/or distribution lines (collectively, the "lines"). The lines may consist of any number of towers, poles, wires, cables, foundations, footings, cross arms, and any other appliances, equipment, facilities, structures, and/or fixtures that are presently necessary or proper, or that may be necessary or proper in the future, for the purpose of transmitting and/or distributing electric power and/or communication purposes.

2. REMC's rights, privileges, and easements with respect to the Property shall include the right, within the Right of Way Strip, to excavate, grade, fill, construct roads, cut and trim trees and other vegetation, and do any other acts that are necessary or useful for carrying out the activities identified in Section 1 of this Exhibit D or for removing anything that endangers or interferes with, or that threatens to endanger or interfere with, the lines or the operation or maintenance of the lines. REMC also shall have the right to trim or remove any tree outside of the Right of Way Strip that, in REMC's sole opinion, threatens to endanger or interfere with the lines or with the operation or maintenance of the lines (a "danger tree"). All trees that REMC is authorized to cut shall, upon cutting, become the property of REMC.

3. REMC may license, permit, or otherwise agree to the joint use or occupancy of any lines in the Right of Way Strip by any other person, association, or corporation.

4. Except as may be necessary or proper for REMC to trim or remove a danger tree, REMC's right to access the Property outside of the Right of Way Strip shall be limited to the areas identified in Part II of Exhibit B to the Amended Petition and in Exhibit B-1 to the Amended Petition as Easement Areas # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 (collectively, the "Road Easement Areas"). REMC shall have the right to construct, reconstruct, replace, alter, improve, upgrade, operate, repair, maintain, inspect, and use roads on, across, under, through, or over one or more of the Road Easement Areas, which shall include the right within those areas to excavate, grade, fill, and install culverts.

5. All improvements (including all lines) installed by REMC on, across, under, through, or over the Right of Way Strip or any of the Road Easement Areas shall remain REMC's property and be removable at REMC's option.

6. 130 of Chatham shall not place within the Right of Way Strip or within any of the Road Easement Areas, and REMC shall have the right to remove from the Right-of-Way Strip or any the Road Easement Areas, any trees, buildings, manufactured homes, mobile homes or trailers, other structures, graves, wells, swimming pools, bodies of water, septic or storage tanks (whether above or below ground), drain or supply lines, flammable materials, building materials,

wrecked or disabled vehicles, refuse of any type, and all other objects, materials, improvements, or developments that, in REMC's sole opinion, may interfere with or endanger, or threaten to interfere with or endanger, REMC's lines or the maintenance or operation of REMC's lines or may prevent or frustrate REMC's use of any of the Road Easement Areas. REMC may, in its sole discretion, choose to allow exceptions to one or more of the prohibitions in this Section, but only pursuant to a written agreement signed by REMC.

7. 130 of Chatham shall not excavate, grade, or fill within the Right of Way Strip or within any of the Road Easement Areas except in accordance with good engineering practices and must meet all clearance requirements with respect to REMC's lines that are imposed by the National Electrical Safety Code or by any other applicable code or regulation. Additionally, no excavation, grading, or filling shall be performed within the Right of Way Strip or within any of the Road Easement Areas that, in REMC's sole opinion, may endanger or interfere with, or threaten to endanger or interfere with, REMC's lines or may prevent or frustrate REMC's use of any of the Road Easement Areas. Any excavation, grading, or filling performed by 130 of Chatham shall be at least twenty (20) feet from any pole, tower leg, or other structure touching the ground that belongs to REMC, and any slope created by 130 of Chatham within the Right of Way Strip shall not exceed 3:1. 130 of Chatham shall provide at least ten (10) days' advanced written notice to REMC identifying any excavation, grading, or filling that 130 of Chatham plans to perform within the Right of Way Strip or within any of the Road Easement Areas.

8. Except for the rights, privileges, and easements hereby granted to REMC, all other rights in the Property not inconsistent with the rights, privileges, and easements granted to REMC shall remain with 130 of Chatham.

9. Any failure by REMC to exercise any of the rights, privileges, or easements hereby granted to it shall not be a waiver or abandonment of any of REMC's rights, privileges or easements, and at any time thereafter REMC may exercise any of those rights, privileges, or easements.

10. The rights, privileges, and easements hereby granted to REMC touch and concern the Property, are of a commercial nature, and are freely transferable and assignable by REMC.

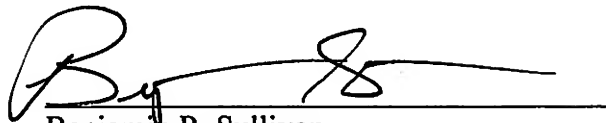
11. The rights, privileges, and easements described in this Exhibit D shall burden and run with title to the Property and shall benefit REMC and its successors and assigns forever.

Certificate of Service

I certify that today an accurate copy of this *Amended Petition* was served by first-class mail on:

William Clarke, Esq.
Roberts & Stevens, P.A.
BB&T Building, Suite 1100
One West Pack Square
PO Box 7647
Asheville, NC 28802
Attorney for Respondent
130 of Chatham, LLC

February 15, 2013



Benjamin R. Sullivan